

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	
)	No. 21-11709
CALUMET PAINT & WALLPAPER, INC.,)	Chapter 11
)	Hon. Timothy A. Barnes
<i>Debtor/Debtor-in-Possession.</i>)	
_____)	

NOTICE OF MOTION

TO: ATTACHED SERVICE LIST:

PLEASE TAKE NOTICE that on the 25th day of October, 2021 at 1:00 p.m. or as soon thereafter as counsel can be heard, I shall appear before the Honorable Timothy A. Barnes, Bankruptcy Judge, or before any other Judge who may be sitting in his place and stead and shall present the **Motion For Extension Of Time To File Schedules And Statement Of Financial Affairs**, a copy of which is attached hereto and herewith served upon you.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password. Meeting ID and password. The meeting ID for this hearing is 161 329 5276 and the password is 433658.

To appear by telephone, call Zoom for Government at (669) 254-5252 or (646) 828-7666. Then enter the meeting ID and password. Meeting ID and password. The meeting ID for this hearing is 161 329 5276 and the password is 433658.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date.

/s/David K. Welch

DEBTOR'S COUNSEL:

David K. Welch, Esq. (Atty. No. 06183621)
Brian P. Welch, Esq. (Atty. No. 6307292)
Burke, Warren, MacKay & Serritella, P.C.
330 N. Wabash Ave., Suite 2100, Chicago, Illinois 60611
Tel: (312) 840-7000 - - Fax: (312) 840-7900

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CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath deposes and states that he caused a copy of the foregoing **Notice of Motion** and attached **Motion For Extension Of Time To File Schedules And Statement Of Financial Affairs** be served on all the parties listed on the attached service list via the Court's Electronic Filing System (ECF) and via U.S. Regular Mail on the 18th day of October 2021.

/s/David K. Welch _____

DEBTORS' COUNSEL:

David K. Welch, Esq. (Atty. No. 06183621)
Brian P. Welch, Esq. (Atty. No. 6307292)
Burke, Warren, MacKay & Serritella, P.C.
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SERVICE LIST

United States Trustee Office
219 S. Dearborn St., Room 873
Chicago, IL 60604

Robert P. Handler
Commercial Recovery Associates, LLC
205 West Wacker Drive, Suite 918
Chicago, IL 60606

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**MOTION FOR EXTENSION OF TIME TO FILE
SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS**

CALUMET PAINT & WALLPAPER, INC., Debtor/Debtor-in-Possession (the “Debtor”) herein, by and through its Attorneys, makes this Motion for Extension of Time to File Schedules and Statement of Financial Affairs (the “Motion”); and in support thereof, the Debtor respectfully states as follows:

INTRODUCTION

1. On October 13, 2021, the Debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code thereby commencing this Chapter 11, Subchapter V case (the “Petition Date”).
2. The Debtor is operating its business and managing its financial affairs as Debtor-in-Possession. A Subchapter V Trustee has been appointed in this Chapter 11 case.
3. Pursuant to Rule 1007 of the Federal Rules of Bankruptcy Procedure, the Debtor has until October 27, 2021 to file its bankruptcy Schedules and Statement of Financial Affairs.
4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157 and 28 U.S.C. § 1334.
5. This matter constitutes a “core” proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (O).

RELEVANT BACKGROUND

6. The Debtor is an Illinois corporation operating from leased premises at 12120 Western Avenue, Blue Island, Illinois. The Debtor has been in business since 1957 and is currently an authorized Benjamin Moore retailer specializing in the sale of interior and exterior paints, stains and related supplies.

7. On or about May 17, 2021, an arbitration award in favor of Super Painters Supply, LLC (“SPS”) and against the Debtor and its principal officer, Mark LaVelle, in the amount of approximately \$689,000.00 (the “Arbitration Award”) was issued by the arbitrator. The issuance of the Arbitration Award followed a hearing at which neither the Debtor nor Mr. LaVelle participated.

8. Thereafter, SPS filed a Petition for Confirmation of Arbitration Award in the Circuit Court of Cook County, Illinois. In response to this Petition, the Debtor and Mr. LaVelle filed a Motion to Vacate the Arbitration Award citing numerous grounds. SPS filed a Motion to Strike the Motion to Vacate. This Chapter 11 case was filed before any substantive rulings on the Motion to Vacate and the Motion to Strike.

9. As of the Petition Date, the Arbitration Award has not been confirmed. The Arbitration Award and resulting litigation costs were the triggering events for the filing of this Chapter 11 case.

10. The Debtor intends on filing a plan of reorganization that provides for repayment to all creditors with allowed claims over an acceptable period of time from revenue generated by the Debtor in the ordinary course of business.

RELIEF REQUESTED

11. The Debtor is in the process of gathering all of the information necessary to complete its Schedules and Statement of Financial Affairs.

12. The Debtor requests that this Court enter an Order granting an extension of time for the Debtor to file its Schedules and Statement of Financial Affairs from October 27, 2021 through November 15, 2021.

13. The first meeting of creditors pursuant to section 341 of the Bankruptcy Code has been scheduled for November 17, 2021 at 1:30 p.m..

14. No prior extensions have been requested by the Debtor. This Motion is not being brought to cause undue delay and no party will be prejudiced by this Court granting the requested extension of time.

WHEREFORE, CALUMET PAINT & WALLPAPER, INC., Debtor/Debtor-in-Possession, respectfully requests the entry of an Order: (i) extending the time by which the Debtor must file its Schedules and Statement of Financial Affairs from October 27, 2021 through and including November 15, 2021; and (ii) granting such other and further relief as may be appropriate under the circumstances.

Respectfully submitted:

CALUMET PAINT & WALLPAPER, INC.,
Debtor/Debtor-in-Possession,

By: /s/ David K. Welch
One of Its Attorneys

DEBTOR'S COUNSEL:

David K. Welch, Esq. (Atty. No. 06183621)
Brian P. Welch (Atty. No. 6307292)
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